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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ROBERT MACHLAN,

Plaintiff,

v.

DR. ARANAS et al.,

Defendants.

Case No. 3:16-cv-00726-MMD-VPC

ORDER

**I. DISCUSSION**

On January 22, 2018, this Court reopened the case and granted Plaintiff thirty (30) days from the date of that order to file an amended complaint in compliance with the screening order. (ECF No. 11 at 2.) Plaintiff has not filed an amended complaint. In compliance with the screening order, this action will proceed only against Defendants Aranas, Smith, and Borg (Count I — deliberate indifference). (ECF No. 3 at 10.)

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that, pursuant to the Court's screening order (ECF No. 3), this action shall proceed only against Defendants Aranas, Smith, and Borg (Count I — deliberate indifference).

IT IS FURTHER ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is reinstated as an active, pending motion.

IT IS FURTHER ORDERED that a decision on the application to proceed *in forma pauperis* (ECF No. 1) is deferred.

1           IT IS FURTHER ORDERED that given the nature of the claim(s) that the Court has  
2 permitted to proceed, this action is STAYED for ninety (90) days to allow Plaintiff and  
3 Defendant(s) an opportunity to settle their dispute before the \$350.00 filing fee is paid, an  
4 answer is filed, or the discovery process begins. During this ninety-day stay period, no  
5 other pleadings or papers shall be filed in this case, and the parties shall not engage in  
6 any discovery. The Court will refer this case to the Court's Inmate Early Mediation  
7 Program, and the Court will enter a subsequent order. Regardless, on or before ninety  
8 (90) days from the date this order is entered, the Office of the Attorney General shall file  
9 the report form attached to this order regarding the results of the 90-day stay, even if a  
10 stipulation for dismissal is entered prior to the end of the 90-day stay. If the parties  
11 proceed with this action, the Court will then issue an order setting a date for Defendants  
12 to file an answer or other response. Following the filing of an answer, the Court will issue  
13 a scheduling order setting discovery and dispositive motion deadlines.

14           IT IS FURTHER ORDERED that "settlement" may or may not include payment of  
15 money damages. It also may or may not include an agreement to resolve Plaintiff's issues  
16 differently. A compromise agreement is one in which neither party is completely satisfied  
17 with the result, but both have given something up and both have obtained something in  
18 return.

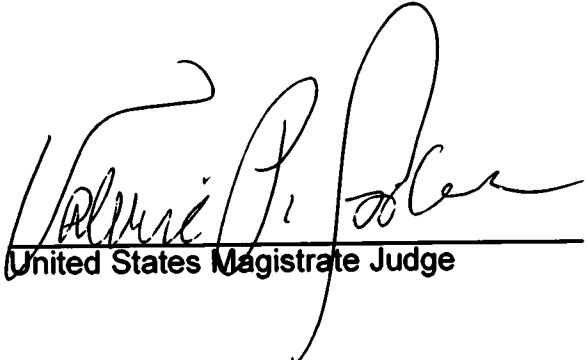
19           IT IS FURTHER ORDERED that if the case does not settle, Plaintiff will be required  
20 to pay the full \$350.00 filing fee. This fee cannot be waived. If Plaintiff is allowed to  
21 proceed *in forma pauperis*, the fee will be paid in installments from his prison trust  
22 account. 28 U.S.C. § 1915(b). If Plaintiff is not allowed to proceed *in forma pauperis*, the  
23 \$350.00 will be due immediately.

24           IT IS FURTHER ORDERED that if any party seeks to have this case excluded from  
25 the inmate mediation program, that party shall file a "motion to exclude case from  
26 mediation" on or before twenty-one (21) days from the date of this order. The responding  
27 party shall have seven (7) days to file a response. No reply shall be filed. Thereafter, the  
28 Court will issue an order, set the matter for hearing, or both.

1 IT IS FURTHER ORDERED that the Clerk of the Court shall electronically SERVE  
2 a copy of this order, the original screening order (ECF No. 3) and a copy of Plaintiff's  
3 complaint (ECF No. 4) on the Office of the Attorney General of the State of Nevada, by  
4 adding the Attorney General of the State of Nevada to the docket sheet. This does not  
5 indicate acceptance of service.

6 IT IS FURTHER ORDERED that the Attorney General's Office shall advise the  
7 Court within twenty-one (21) days of the date of the entry of this order whether it will enter  
8 a limited notice of appearance on behalf of Defendants for the purpose of settlement. No  
9 defenses or objections, including lack of service, shall be waived as a result of the filing  
10 of the limited notice of appearance.

11  
12 DATED THIS 5<sup>th</sup> day of March 2018.

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14 United States Magistrate Judge  
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